

REMARKS

Applicants have carefully reviewed the Office Action dated January 5, 2004. Claims 1, 2 and 4-11 are pending in this application. Claim 3 has been canceled. Applicants have amended Claims 1, 6, 8 and 11 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1-2 stand rejected under 35 U.S.C. 102(e) as being anticipated by *Kikinis*, U.S. Patent No. 5,929,849. This rejection is respectfully traversed with respect to the amended claims:

Claim 1 is directed toward the concept of providing to a user location advertising information that is broadcast in media with embedded unique information contained therein. This embedded unique information allows an advertiser to provide an inducement to the user to cause the user to access an advertiser's location after a predetermined time in the broadcast in response to other unique embedded information. Therefore, the inducement is received and at a later time, different content is provided and the user, at the user location, is induced to access this advertiser's information over the global communication network from the advertiser's location. This is illustrated with respect to the flow chart of Figure 26. Thus, a pre-announcement is provided to allow the user to basically turn on their computer such that a later tone or video image can be provided to cause the user's computer to be connected to the advertiser's location and information then pushed to the user.

The *Kikinis* reference is a reference that provides a "frame-by-frame" link that cannot provide any information that will come at a later time, to be used to access the advertiser's location. In fact, once the image disappears from the screen, so does the data that is disposed in the intermediate frame. *Kikinis* describes in detail how to create a broadcast and it is clear that the broadcast is created such that a pointer is provided to the user only during the time that an image is disposed on the display. This disclosure is directed toward the concept of linking a URL to an image. As such, this link or data in the intermediate frame must be disposed between many frames, such that it is present during display of the

AMENDMENT AND RESPONSE

S/N 09/382,423

Atty. Dkt. No. PHL-24,739

frame proximate thereto. There is no disclosure allowing this to be displayed at a later time for access to the content. Further, the inducement is provided one time and the actual link is provided at another time. There is no disclosure or suggestion in *Kikinis* to provide an inducement at one time and access at another time. Claim 6 clarifies this aspect in that unique information transmitted by the advertiser is comprised of, in one instance, a first portion that informs the consumer that an access will be available at another desired time and, a second portion that is delivered to the consumer at another time for allowing the user to access a desired advertiser location. Therefore, Applicants believe that *Kikinis* does not anticipate Applicants' present inventive concept, as defined by Claims 1 and 2 and, therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. 102(e) rejection with respect thereto.

Claims 4-5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kikinis*, in view of *Marsh*, U.S. Patent No. 5,848,397. Applicants believe that, arguments set forth in with respect to the prior Response, that *Marsh* reference does not cure the deficiencies described hereinabove with respect to *Kikinis*. *Marsh* does not disclose providing both an inducement that is present at one time with access to the advertisement provided at a second time. Therefore, Applicants respectfully request the withdrawal of 35 U.S.C. 103(a) rejection with respect to Claim 4-5.

Claims 6-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kikinis*, in view of *Birdwell*, U. S. Patent No. 6,108,706. This rejection is respectfully traversed with respect to the amended claims.

The *Birdwell* reference is a reference that provides for some pre-announcement that data will be transmitted. However, this is not believed to be embedded within the broadcast. As such, by embedding both the inducement and the information that allows the user to access the advertiser's location at different times in a broadcast is not disclosed in the combination of *Kikinis* and *Birdwell*. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. 103(a) rejection of Claims 6-7.

Claims 8 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kikinis*, in view of *Williams*, U.S. Patent No. 5,701,161. This rejection is respectfully traversed with respect to the

AMENDMENT AND RESPONSE
S/N 09/382,423
Atty. Dkt. No. PHL-24,739

7

amended claims.

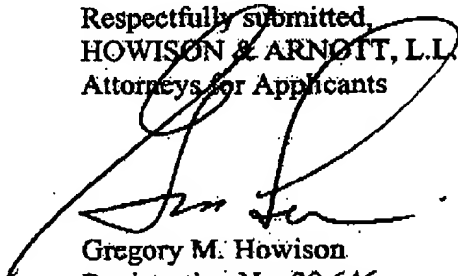
Applicants believe that the addition of *Williams* does not cure the deficiencies noted hereinabove with respect to the application of *Kikinis* to Claim 1. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. 103(a) rejection with respect to Claims 8 and 10.

Claims 9 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kikinis* and *Williams* and further in view of *Marsh*. This rejection is respectfully traversed.

Applicants believe that the combination of *Williams* and *Marsh* with *Kikinis* does not cure the deficiencies noted hereinabove with respect to the application of *Kikinis* to Claim 1. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. 103(a) rejection of Claims 9-11.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,739 of HOWISON & ARNOTT, L.L.P.

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AMENDMENT AND RESPONSE
S/N 09/382,423
Atty. Dkt. No. PHLY-24,739